DOCUMENT RESUME

ED 347 699 EA 024 293

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TITLE Getting Serious about Sexual Harassment. ERIC Digest, Number 75.
INSTITUTION ERIC Clearinghouse on Educational Management, Eugene, Oreg.
SPONS AGENCY Office of Educational Research and Improvement (ED), Washington, DC.
REPORT NO EDO-EA-92-8
PUB DATE Oct 92
CONTRACT RI88062004
NOTE 3p.
AVAILABLE FROM Publication Sales, ERIC Clearinghouse on Educational Management, University of Oregon, 1787 Agate Street, Eugene, OR 97403 (free; $2.50 postage and handling).
PUB TYPE Information Analyses - ERIC Clearinghouse Products (071) -- Information Analyses (070)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Civil Rights; *Compliance (Legal); Court Litigation; Elementary Secondary Education; *Females; *Organizational Climate; Policy Formation; *Sexual Harassment; Work Environment
IDENTIFIERS ERIC Digests

ABSTRACT

Strategies for dealing effectively with sexual harassment in the educational organization are presented in this document. Identification of the problem is complex, compounded by the context in which it occurs and different male and female perceptions. One starting point for identification is the 1980 federal guidelines passed by the Equal Employment Opportunity Commission (EEOC). Possible effects on an individual experiencing harassment are also described. Implications of some recent legal decisions for schools include the right of victims to sue school districts and colleges and the need to seek policy input from women. Guidelines for adopting a good policy are offered. Steps to prevent sexual harassment, other than through written policies, include developing an organizational climate free from gender inequalities and providing training and education. (11 references) (LMI)

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ERIC DIGEST

OCTOBER 1992 NUMBER 75 EDO-EA-92-8

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Getting Serious About Sexual Harassment

by Linda S. Lumsden

Characterizing it as an issue that "can undermine the effectiveness of your school system as an organization and your staff as a team," Beverly Collier and C. Thomas Holmes (1989) warn that sexual harassment is a problem administrators should not take lightly. If school leaders maintain an "it can't happen here" attitude or fail to take the problem seriously, they are not doing their part to combat sexual harassment.

Most administrators are interested in addressing the problem in a professional, proactive manner. However, uncertainty exists concerning what constitutes sexual harassment of employees and students and what steps can be taken to drive home the message that it will not be tolerated.

What Are Some Guidelines for Identifying Sexual Harassment?

The essence of sexual harassment cannot be conveyed by merely rattling off a tidy list of potentially offensive behaviors. As attorneys Eileen Blackwood and Anthony Lamb (1992) note, "each situation varies depending on its facts and the relationship between the parties." In addition to looking at the conduct itself, other considerations include the context in which specific sexual conduct took place and how it affected the recipient.

Another thing that complicates the issue is that men and women tend to have different perspectives concerning what constitutes sexual harassment. As Stephanie Riger (1991) notes, "The variable that most consistently predicts variation in people's definition of sexual harassment is the sex of the rater," with men classifying fewer behaviors as harassment. And even when men identify a behavior as harassment, they still often maintain the belief that women will be flattered by it (Riger).

Federal guidelines passed by the Equal Employment Opportunity Commission (EEOC) in 1980 can serve as a starting point for those seeking clarity on murky definitional issues. The EEOC classifies sexual harassment as a form of sex discrimination under Title VII of the 1964 Civil Rights Act. According to the EEOC, sexual harassment encompasses "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature." In the workplace, sexual harassment can be said to have occurred when

> (1) submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Quid pro quo and *hostile environment* are two general categories of sexual harassment. Literally meaning "this for that," *quid pro quo* occurs when employment (or academic) opportunities or benefits are linked with sexual conduct (Blackwood and Lamb). Conversely, it also includes harassment in which sexual advances are made with the stated or implied threat that if the advances are not accepted, there will be work- or school-related reprisals (Robert Shoop 1992).

A *hostile environment* involves "unwanted, personally offensive sexual attention" that need not be directly associated with an employment or academic decision involving the person being harassed (Shoop).

How Might Being Harassed Affect an Individual?

Being subjected to sexual harassment can have a negative impact on one's emotional, social, and physical sense of well-being. In one study, adolescent females who had been sexually harassed reported "feelings similar to those identified by rape victims" (Strauss). "Decreased feelings of competence and confidence and increased feelings of anger, frustration, depression, and anxiety all can result from harassment," according to Riger. A sense of self-blame, especially among women with traditional sex-role beliefs, is also common (Riger). These emotions in turn can leave in their wake a decreased ability to concentrate and a sense of listlessness (Hotelling).

Studies also indicate that absenteeism tends to increase among employees who are sexually harassed, work attitudes are adversely affected, and productivity drops (Collier and Holmes). And when students are the target, sexual harassment can rob them of their right to an equal education by interfering with "learning, attendance, course choices, grades, and therefore economic potential" (Strauss).

In addition to the impact of the harassment itself, those who have been harassed often contend with anxiety and ambivalence about whether to report, and they harbor fears about possible retaliation if they decide to file a complaint.

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What Implications Do Some Recent Legal Decisions Have for Schools?

According to some lawyers, a legal decision handed down earlier this year by the U.S. Supreme Court "could result in multimillion-dollar award verdicts against school districts and colleges" ("Attorneys Assess High Court Harassment Ruling Impact" 1992). In the case, *Franklin vs. Gwinnett County Public Schools*, the court ruled that "victims of sexual harassment and other forms of sex discrimination in schools may sue for monetary damages" under Title IX of the Education Amendments of 1972 (Mark Walsh 1992). Title IX prohibits discrimination on the basis of gender in schools and colleges that receive federal funding. Prior to this ruling, schools found in violation of Title IX only risked losing their federal funding.

The case involved a Georgia high school student who alleged that a teacher-coach engaged in behavior toward her ranging from unwelcome verbal advances to pressured sexual intercourse on school grounds (Paul Barrett 1992). The ruling permits Franklin to seek damages against the district as well as against a band director who encouraged her to drop the complaint.

Other recent rulings offer some clues concerning the yardstick courts will use to ascertain whether someone has been harassed. For example, in 1991 two courts affirmed that a "reasonable woman" test should be the objective standard in sexual harassment cases where the plaintiff is a woman (Shoop). That is, if a reasonable woman (not a "reasonable man" or "reasonable person")would judge a working environment to be abusive, that may be sufficient for the court to rule in favor of a female plaintiff. Therefore, Riger advises male policy makers to "think like a woman" when attempting to classify specific behaviors as harassment. Or, perhaps even better, get considerable input from women.

Should Schools Adopt a Policy Prohibiting Sexual Harassment?

When disapproval of sexual harassment is spelled out in a policy that is not only adopted but followed, it provides the school community with some assurance that preventing sexual harassment is a priority and that complaints will be investigated in a thorough, timely manner.

In addition to a sense of moral responsibility, self-interest may spur some administrators to adopt a strong policy since employers that don't have a policy prohibiting sexual harassment are more likely to be held liable than those that do (Blackwood and Lamb).

A good policy, which should address harassment of both employees and students, explains what sexual harassment is and gives some examples of unacceptable conduct, encourages individuals to report any unwelcome sexual conduct, clearly describes grievance procedures and other avenues for recourse, and specifies grounds for taking disciplinary action against offenders. It should also specifically prohibit peer harassment and forbid retaliation against complainants.

Although it is prudent to have a policy, Riger contends that sexual harassment policies often fail to reflect women's viewpoints about what constitutes harassment. Also, grievance procedures outlined in policies may be at odds with women's preferred methods of conflict resolution. Both factors tend to discourage women from reporting harassment (Riger).

Once adopted, a policy must be publicized. Ways of doing this include reviewing it with students and staff at the beginning of each academic year, posting the policy on school bulletin boards, and including it in employee and student handbooks.

What Other Steps Can Schools Take to Prevent Harassment?

Although written policies are important, organizational climate probably plays an even more significant role in legitimizing or discouraging sexual harassment. As Sharon Howard (1991) states, "Where women are devalued . . . an atmosphere is created in which sexual harassment may flourish." To be maximally effective, efforts to combat sexual harassment must focus not only on enacting policies but on creating an institutional climate that is free from gender inequalities.

Another avenue through which districts can work to raise awareness is by offering training and education about sexual harassment to students, staff, and administrators.

To maintain a sense of moral integrity within their institutions, administrators must do their utmost to ensure that students and employees have a safe, equitable environment in which to learn and work.

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